




**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 26, 2023

NOTICE

TO: Tomas & Eraclio Martinez
25663 Dewey Rd
Edgemont SD 57735

FROM: Ron Duvall, Water Rights Permitting Administrator
SD DANR, Water Rights Program 

SUBJECT: Regarding Motion to Dismiss concerning Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

On January 24, 2023, a motion was filed by Ann Mines Bailey, Assistant Attorney General, to dismiss your petition on the basis that it was late filed more than two weeks after the filing deadline.

If you plan to oppose dismissal of your petition opposing Application No. 2850-2, Elk Mountain Water Users Association Inc., please provide written notification to me no later than February 6, 2023.

Mail to: Atten. Ron Duvall
SD DANR, Water Rights Program
523 E. Capitol Ave.
Pierre SD 57501

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 2850-2 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

If you have any questions regarding procedural matters, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

c: David McVey, Assistant Attorney General
Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

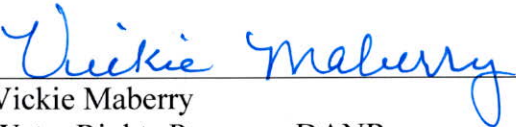
The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated January 26, 2023, regarding a Motion to Dismiss concerning Water Permit Application No. 2850-2 – Elk Mountain Water Users Association Inc. was served upon the following by enclosing the same in an envelope with first class postage prepaid and affixed thereto, and depositing said envelope in the United States mail on January 26, 2023.

Tomas & Eraclio Martinez
25663 Dewey Rd
Edgemont SD 57735

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501


David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



Vickie Maberry
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of January, 2023.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025

